GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police – Petition of Sri A.Y.Vijaya Kumar, Ex-PC 1130, 2nd Bn, APSP, Kurnool against the punishment of "Termination of Probation" – Reinstatement into service - Orders - Issued.

HOME (SERVICES.II) DEPARTMENT

G.O.Rt.No. 1082 **DATED: 23-12-2019.**

Read the following:-

1. From the Director General of Police, A.P, Lr. Rc. No. 739/ E3/2017, Dated: 16.03.2018
2. Representation of Sri A.Y.VijayaKumar, Ex-PC 1130, 2nd Bn., APSP, Kurnool, dated: -09-2019 and 28-11-2019.

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ORDER:

In the reference 1st read above, the Director General of Police, Andhra Pradesh, has forwarded the Mercy Petition of Sri A.Y.Vijaya Kumar, Ex-PC 1130, 2nd Bn, APSP, Kurnool against the orders of termination of probation, awarded by the Commandant, 2nd Bn., APSP, Kurnool.

2. The Director General of Police has stated that the Addl. Commandant, HFAC of Commandant, 2nd Bn., Kurnool has informed that Sri A.Y.Vijaya Kumar, Ex-PC 1130 was appointed as APSP PC in 2nd Bn., on 15-08-2005, while under probation, a Criminal case was registered against him at I town PS Chittoor District for his involvement in the commission of a criminal offence.

3. Considering his misconduct under Rule – 17 (a) (ii) of Andhra Pradesh State and Subordinate Service Rules, 1996 his probation was terminated w.e.f. 10-07-2007.

4. Sri A.Y.Vijaya Kumar, Ex-PC 1130 has filed O.A.No.4176/2007 in the Hon'ble APAT against the orders of termination of probation. The Hon'ble APAT has dismissed the O.A. stating that:

> "the impugned order is a simple order of discharge under Rule 17 (a) (ii) of APS&SS Rules. If that is so, in view of the authorities cited, no enquiry need to be conducted and the impugned orders cannot be said to be bad under law. Therefore, there are no merits in this O.A. and the application is dismissed accordingly. No order as to costs".

5. As per the APAT orders his request for reinstatement into service was considered and rejected by the Commandant, 2nd Bn., APSP.

6. The Director General of Police also stated that the Criminal case registered against him was acquitted by the Hon'ble Judicial Magistrate of 1st Class Special Mobile Court, Chittoor. His case was re-examined and rejected by the Commandant, 2nd Bn., APSP, Kurnool.

7. The Director General of Police further stated that the Addl. Commandant, HFAC of Commandant, 2nd Bn., Kurnool has informed that his discharge from probation was made due to his Criminal misconduct since he figured as an accused in Criminal case. Since the case registered against him has ended in clean acquittal, he has suggested that the Government, which is the competent authority to take appropriate decision in the matter, may take an appropriate view.

8. The 1st Mercy Petition of the Charged Ex. PC was considered and rejected by the Government Memo, Dated: 08.04.2019.

9. Aggrieved by the above orders, the Charged Officer in the reference 2nd read above, has filed a 2nd mercy petition to the Government.

10. In his representation, Sri A.Y.Vijaya Kumar, Ex-PC 1130, 2nd Bn, APSP, Kurnool has stated that a criminal case (Cr.No.5/2007) was registered against him in Chittoor I Town P.S. on 10.01.2007 u/s 498-A IPC and Secs. 3 & 4 of Dowry Prohibition Act on a false complaint lodged by a nurse by name Shobha, alleging that he cheated her without marrying her and he married another woman by name Vanaja. The case was acquitted on the ground that the prosecution failed to prove the offence charged. The complainant woman and her mother, who were PWs 1 & 2 did not make any accusation against him and did not depose in the Hon'ble Court anything adverse evidence. Therefore he was honorably acquitted. He also stated that the Commandant, 2nd Bn., APSP Kurnool terminated him probation only for the reason that he was involved in a criminal case. The Commandant, 2nd Bn., APSP, Kurnool ought to have provided an opportunity to explain his case before terminating his probation under the clause "Termination Punitive".

11. Government, after careful examination of the matter and with reference to the records made available, hereby set aside the punishment of "Termination of Probation" of Sri A.Y.Vijaya Kumar, Ex-PC 1130, 2nd Bn, APSP, Kurnool and he is reinstated into service. The Out of Employment period is treated as "Not on Duty".

12. The Director General of Police, Andhra Pradesh is requested to take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.R.M. KISHORE KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh.
The Commandant,2nd Bn., APSP, Kurnool.
The Individual through the DGP, AP.
Copy to:
The OSD to Hon'ble Home Minister.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER